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March 21, 2023

Via ECF

Hon. Paul G. Gardephe
United States District Court
Southern District of New York
Thurgood Marshall United States Courthouse
40 Foley Square
New York, NY 10007

Re: *In re Bed Bath & Beyond Inc. Section 16(b) Litigation*, No. 22 Civ. 9327

Dear Judge Gardephe:

We write on behalf of Defendants RC Ventures LLC and Ryan Cohen (the “*Cohen Defendants*”) to respectfully request a one-week extension of the deadline to file the Cohen Defendants’ reply brief in further support of their Omnibus Motion to Dismiss the Complaints (the “*Motion*”) in the referenced action—from March 31, 2023 to April 7, 2023.

On January 26, 2023, the Court set a briefing schedule for Defendants’ Motion, with Defendants’ motion papers due on February 15, 2023. ECF No. 24. When Plaintiff Judith Cohen filed an amended complaint two days before that deadline, the Court granted the Cohen Defendants’ request to adjourn the deadline for the Motion (with a parallel extension of the remainder of the briefing schedule) to enable the Cohen Defendants to file a single, omnibus Motion addressing both Plaintiff Judith Cohen’s amended complaint, and Plaintiff Augenbaum’s complaint. Under this adjourned schedule, the Motion was due on March 3, 2023; Plaintiffs’ opposition papers are due on March 24, 2023; and the Cohen Defendants’ reply brief is due on March 31, 2023. Pursuant to Individual Rule IV.C, the Cohen Defendants timely served (but did not file) their Motion on March 3, 2023.

The Cohen Defendants now seek an extension of time to serve their reply brief in further support of the Motion. The reason for the request is that the Cohen Defendants anticipate that each Plaintiff in this consolidated action will file a separate response to the Cohen Defendants’ Motion, and an additional week will ensure that the Cohen Defendants and their counsel have adequate time to review and respond to *both* opposition briefs. In addition, the undersigned lead counsel for the Cohen Defendants will be traveling internationally during the week preceding the current deadline. For these reasons, the Cohen Defendants respectfully request that the Court grant a one-week extension, permitting them to serve their reply brief on April 7, 2023.



All parties have consented to the Cohen Defendants' proposed extension.

Sincerely,

/s/ Clifford Thau

Clifford Thau

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MEMO ENDORSED

The Application is granted.

SO ORDERED:

A handwritten signature in cursive script that reads 'Paul G. Gardephe'.

Paul G. Gardephe, U.S.D.J.

Dated: March 23, 2023